HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.25344 OF 2006

Between:

Puppala Nageshwar Rao and three others

…Petitioners

AND

The Bhimavaram Municipality,
Represented by its Commissioner,
Bhimavaram, West Godavari District
and three others

...Respondents

: O R D E R :

Counsel for the petitioners : Shri K.L.N. Swamy

Counsel for respondent No.1 : Shri S. Nageswara Reddy

Counsel for respondent Nos.2 to 4 : Government Pleader for Revenue

26th February, 2007

Per G.S.SINGHVI, CJ

In this petition, the petitioners have made the following substantive prayer:

> "it is prayed that this Hon'ble Court may be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "WRIT OF MANDAMUS" declare the action of the Bhimavaram Municipality (1st Respondent) in establishing a Municipal Solid Waste Compost Yard at R.S.318/3, Yenamaduru village, BhimavaramMandal, West Godavari District is as illegal, arbitrary and against the provisions of Rule 4 of the Municipal Solid Waste (Management & Handlings) Rules 2000 and against Article 21 of the Constitution of India and against the Directive Principles of State Policy, as included in Article 39 of the Constitution of India, consequently direct the Respondent Nos.2 to 4 not to grant any permission to the 1st respondent for establishment of Municipal Solid Waste Compost Yard in R.S.No.318/3 of Yenamaduru Village, Bhimavaram Mandal, West Godavari District and to pass such other orders as are necessary in the interest of justice".

After arguing the case for sometime, learned counsel for the petitioners made a request that his clients may be permitted to withdraw the writ petition at this stage with liberty to file fresh petition as and when action is taken by the competent authority for acquisition of land in Yenamaduru Village, Bhimavaram Mandal for establishing solid waste disposal plant in the village on behalf of Bhimavaram Municipality.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer

made.

As a sequel to dismissal of the writ petition, WPMP No.32471 of 2006 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, C.J.

C.V. NAGARJUNA REDDY, J.

26th February, 2007
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